WestMetro HOME Consortium

Guidelines

Downpayment Assistance Funded by HOME (ADDI) and

Administered by the WestMetro HOME Consortium

February 14, 2008

Revised November 2010

The American Dream Downpayment Initiative (ADDI) is a component of the HOME program for the purpose of making up to \$5,000 in down payment (including closing costs) assistance available to income eligible households who qualify as first-time homebuyers.

ADDI Downpayment Assistance funds can assist in the purchase of a property in the WestMetro HOME Consortium, which consists of the following Member Communities:

Bedford
Belmont
Brookline
Concord
Framingham
Lexington
Lincoln

Natick Needham Newton Sudbury Waltham Watertown Wayland

The Consortium (acting through the City of Newton) will administer the ADDI loans as part of the HOME program on behalf of those Consortium communities that do not have a down payment assistance program of their own. Interested households should first contact the City of Newton at (617) 796 – 1146 or email rmuollo@newtonma.gov

Applicant eligibility shall not be based on race, color, religion, national origin, gender, age, disability, ancestry, marital status, family status, veteran or military status, sexual orientation, genetic characteristics, or status as a person who is a recipient of federal, state or public assistance.

The WestMetro Consortium will provide auxiliary aids and services, written materials in alternative formats, and reasonable modification in policies and procedures to person with disabilities upon request.

General Information and Terms of the ADDI Loan

- Applicants may receive a maximum of \$5,000.00 per eligible homebuyer household. Assistance is provided for properties in the WestMetro HOME Consortium.
- The assistance is provided as a 0% interest deferred loan for 5 years. The term may exceed 5 years if ADDI funds are combined with other funds from the HOME Program.
- One of the following two affordability restrictions, Resale or Recapture, will be in effect depending on whether the property is subject to a deed restriction or affordable housing covenant that limits appreciation upon resale.
- The Owner will execute a mortgage, note, funding agreement and deed restriction prior to receiving funds, which are held by the Member Community.
- Eligible buyers must comply with all of the affordability restriction requirements of the ADDI and HOME rules including being first-time homebuyers (subject to the exception for "displaced homemakers"), meet Part 5 gross income limits and asset maximum limits and must agree to live in the property as their principal residence.

Homebuyer Qualifications

- The homebuyer household must be a first time homebuyer, which means the household:
 - o Has not owned a home during a three-year period;
 - o Applicant is a displaced homemaker; or
 - o Applicant is a single parent
- Household income may not exceed 80% of Area Median Income as defined by HUD. Income is determined using the Section 8 (Part 5) methodology, except that assets are limited to \$75,000 as defined by the DHCD Local Initiative Program Guidelines, and includes all forms of financial assets, including retirement accounts.
- Determining Assistance Amount: An eligible homebuyer will only qualify for the amount of funds necessary to approximate a 33% front end ratio (FER - housing debt to income) and a 38% back end ratio (BER - total debt to income), and have sufficient funds to pay closing costs without depleting cash reserves. Housing debt for the

front end ratio equals principal plus interest plus property taxes plus insurance, plus condo fees, if applicable (also known as "PITI"). Sufficient cash reserves are defined as a minimum of two months of PITI. These front and back end ratio limits up to two points additional (FER max. 35% and BER max. 40%) each, may be waived by the Consortium Administrator, upon documentation of a hardship.

- The eligible homebuyer may be eligible for closing costs assistance if the above front and back-end ratios are met, but the homebuyer would not have sufficient cash reserves after paying closing costs. Eligible closing costs include private lender origination fees, credit report fees, fees for title evidence, recording and filing of legal documents, attorneys' fees and private appraisal fees.
- If the borrower participates in the MHP Soft Second Program, the front and back end ratios will be consistent with that Program's requirements.
- The eligible homebuyer must contribute cash of at least 1.5% (a minimum of \$1,500.00) as a downpayment. If the borrower obtains downpayment funds from another source, the gift or grant must be in accordance with Fannie Mae guidelines (submittal of gift letters, etc.). The forms for this are standard and the primary lender will provide copies to the homebuyer.
- Borrowers must complete a CHAPA-certified Homebuyer 101 education program prior to closing and a post purchase class within six months of closing;
- The purchase price must not exceed the HOME Purchase Price limit [based on the FHA 203(B) Single Family Mortgage limit for the Boston area]. Note that some high-cost Consortium member communities have obtained a waiver that allows the purchase price to increase to 95% of the median sale price within that community.
- The property must be a one- to four-family residence, condominium unit, cooperative unit, combination of manufactured housing and lot, or manufactured housing lot.
- Homebuyers are encouraged to compare terms and costs of primary mortgages and to obtain a fixed rate mortgage where affordable. An adjustable rate primary mortgage (3/1 or 5/1 only) is permitted only if it is the lender's First Time Homebuyer product or it is a MassHousing mortgage product. In no event are "interest

only" or 40 year amortization loan products permitted. High cost loans and sub-prime loan products will also be denied.

Allowable Types of Affordability Restrictions

(Resale or Recapture):

Recapture Model

If the property does not have a resale deed restriction, the Recapture Model will apply. The Recapture Model allows the owner to sell the unit to any willing buyer at any price at any time, subject to the recapture provisions set forth below. If at any time during the Affordability Period the owner is non-complaint with the terms of the loan, ADDI funds must be repaid to the Consortium.

The Consortium ADDI program allows the following alternatives under the Recapture Model for non-deed restricted units, *depending on what community the property is located:*

- Shared Net Proceeds If there are not sufficient net proceeds (defined as proceeds of the sale remaining after superior debt to the HOME Loan has been paid off) of the resale of the property to fully pay off the amount of the HOME loan at resale, the net proceeds are shared between the Owner and the Consortium based on the percentage investment by the owner vs. the ADDI Loan.
- » For example, if the owner and Consortium each put in an equal amount towards the original purchase, the Owner and the Consortium would split any net proceeds from the sale equally. If upon resale, the total net proceeds equal \$25,000, the Seller-Owner and Consortium and each receives \$12,500 (\$25,000/2).

If there are no net proceeds, the owner need not repay the HOME loan, even during the affordability period. Documentation of such insufficiency shall be provided to the Consortium.

- **Reduction during affordability period** The Member Community may reduce the assistance to be recaptured by 20 percent on a prorata basis for the time the homeowner has owned and occupied the housing measured against the required affordability period.
- » For example, if the Consortium provides a \$5,000 loan for a 5 year term (Affordability Period), and the Owner remains in compliance with the terms of the loan, the Consortium will forgive \$1,000 a year over the term of the loan. If the unit is sold after year 1, and the net sale proceeds are sufficient, the amount subject to recapture from the Owner is \$4,000.

If there are insufficient net proceeds, then to the extent that proceeds **are** available, the Owner will be repaid his or her investment before any HOME funds are recaptured. If there are no net proceeds from the sale of the unit, the Owner need not repay the HOME loan. Documentation of such insufficiency shall be provided to the Consortium.

- Owner Recovers Investment First If there are sufficient net proceeds (as defined above), the Owner will recover his or her investment and then repay the Consortium.
- » For example, if the Consortium provides a \$5,000 loan and the Owner invests \$3,000 and the net proceeds upon resale are \$4,000, the owner would recapture \$3,000 and the Consortium would recapture \$1,000.

If there are insufficient net proceeds, then to the extent that proceeds **are** available the Owner will be repaid his or her investment before any HOME funds are recaptured. If there are no net proceeds, the owner need not repay the HOME loan. Documentation of such insufficiency shall be provided to the Consortium.

Resale Model

Regardless of the property location, if the unit is subject to a deed restriction or affordable housing covenant (from an agency such as DHCD, MassHousing, or a local program such as Inclusionary Zoning), the Resale Model applies.

The Resale Model requires that upon resale the Owner sell the unit at an affordable price to a reasonable range of low-income buyers. The new buyer must be low-income and occupy the unit as their principle place of residence. Additionally, the Owner-Seller must receive a fair return on the original investment plus capital improvements. A deed restriction or affordable housing covenants tied to the land must be executed when using the Resale Model.

The Consortium ADDI program allows the following alternative under the Resale model for deed restricted units:

• **Deferred, forgivable loan** - 0% interest at a term equal to the required Affordability Period. If ADDI funds are combined with HOME funds, the total amount will determine the appropriate Affordability Period.

- The provisions of the deed restriction or affordable housing covenant from another program that governs the resale of the unit must be consistent with HOME Resale Model requirements and provisions, including, but not limited to, the following:
 - o Prepayment or early payoff will not extinguish Affordability Period or resale requirements.
 - o If owner is non-complaint with the terms of the loan, ADDI funds must be repaid to the Consortium.
 - o The Owner must sell the unit at a price affordable to a reasonable range of income-eligible purchasers, as defined by the deed restriction.
 - o The Owner must receive a fair return on their original investment (including original investment and capital improvements, as defined by the deed restriction)
 - The Owner shall occupy the unit as his/her/their principal place of residency.

Administrative Requirements for Member Communities

Funding Instruments

- The Member must record the mortgage and deed restriction as an encumbrance against the property in a timely manner, preferable concurrent with the closing. The City of Newton shall advise the eligible homebuyer of the costs and instruct the closing attorney in a timely manner to include these costs of recording the mortgage (\$175.00) and deed restriction (\$75.00) on the RESPA or settlement statement. The homebuyer will pay these recording costs as a portion of the closing costs incurred with the purchase.
- The City of Newton, although administering the ADDI Program on behalf Consortium Members, is unable to hold the mortgage for properties outside of its boundaries. ADDI documents, including the loan agreement, mortgage and note, will be provided by the City of Newton, but must be reviewed, approved, and executed by the proper signatories of the Member Community. Repayments of ADDI loan funds shall be paid to the City of Newton, on behalf of the Consortium, and credited to the Consortium's ADDI account.

Resale or Recapture Requirements

- The Member Community will use the Recapture Model, subject to the following:
- A Resale Model must be used for ADDI funding assistance when the unit is subject to a deed restriction or affordable housing covenants from another agency such as DHCD, MassHousing, or a local program such as Inclusionary Zoning that requires resale provisions, as defined by HUD.
- The Local Initiative Program / Universal Deed Rider may not be used in connection with any ADDI or HOME assistance.
- Loan payments made by the owner either at time of resale or during the term shall be considered Program Income.

To assure there is no conflict or incompatibilities between deed restrictions and the terms of the instrument that secures the ADDI funds, the Member must agree to provide for review by Newton all programmatic and resale or recapture requirements and appropriate documents of the agency and locality prior to providing funding assistance.

 In addition to any deed restriction or affordable housing covenant required from a separate agency that governs the resale of the unit, if applicable, resale requirements must be written into the HOME Agreement and be executed between the Member Community and the owner.

Processing Time

Completed applications should be submitted to the City of Newton at least six (6) weeks prior to the anticipated closing.

The City of Newton will not approve an ADDI application until it is complete and all required documentation has been submitted. The closing should be scheduled at least three weeks after approval has been given in order to allow adequate time to process the payment.

Administration Fee

The Consortium will receive \$300.00 per case processed. This is an eligible HOME activity cost and may be paid to the Member Community's administrative account.

Other Consortium Member Responsibilities

For Member Communities that do not administer their own downpayment assistance program, most of the responsibility for administering this program, including income determination and communications with relevant parties, falls to the City of Newton. Otherwise, these responsibilities fall with Communities with existing programs.

All Member Communities must agree to review and sign the ADDI loan documents (mortgage, note, funding agreement and deed restriction). Any legal fees needed to review the ADDI documents on the part of the Member Community's attorney may be paid for from the Member's administrative account. The ADDI loan documents will be prepared by the City of Newton for review and approval by the Member Community's attorney.

The Member Community is responsible for ensuring that the unit meets all applicable State and local housing quality standards and codes, monitoring principle residency, and all other such resale and/or recapture requirements of the HOME Program.

At the conclusion of the loan term, the Member Community must sign off on the discharge of the lien (form provided by the City of Newton).

Any charges for recording documents with the Registry of Deeds are the responsibility of the Member Community and may be charged to the Member's administrative account.

Consortium Members should first direct potential ADDI cases to the City of Newton at 617-796-1146 or rmuollo@newtonma.gov.

WestMetro HOME Consortium Homebuyer Program Application (ADDI) 1000 Commonwealth Ave., Newton, MA 02459



I. HOUSEHOLD COMPOSITION INFORMATION

	. Applicant			Co-Applicant		
N	ame		M/F	Name		M/F
A	.ddress			Address		
C D	ity eate of Birth	State	_ Zip	City Date of Birth		
	ocial Security#			Social Security #		
T	el	(h) mobile		Tel	(h) mobile	· , ,
Ethnic	110-21111		Not Hispanic or can American A			
Race:	White	Diack of 71111				
	White e Hawaiian or O		lander A	American Indian or Al	askan Native	

II. ANNUAL INCOME INFORMATION

List Gross Dollars	Applicant	Co-Applicant
A. Wages, Salary, Tips	\$	\$
B. Business Income	\$	\$
C. Social Security	\$	\$
D. Pension	\$	\$
E. Child Support	\$	\$
F. Alimony	\$	\$
G. Dividends and Interest	\$	\$
H. Unemployment Compensation	\$	\$
I. Other (describe)	\$	\$
J. TOTAL	\$	<i>\$</i>

III. HOUSING EXPENSES

Expense	Monthly Expense
A. Rent (Lease term ends m/d/y)	\$
B. Telephone	\$
C. Water/Sewer	\$
D. Heat	\$
E. Gas	\$

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Electricity		\$	
Other (describe)		\$	
ffice Use Only: Total Monthly Expenses (A-G)\$		\$	
IV. ASSETS A. Checking Account Name of Bank Account No		Balance: \$	
B. Savings Account Name of Bank Account No		Balance: \$	V
C. Certificates of Deposit, Mut Provide name of institution, ac necessary.	ecount numbers	s, and balances and a	ttach on additional sheet if
Name of HolderAccount No		Balance: \$	
or Date of Transfer/Sale: Price Sold: \$	it Cards, Depar	tment Stores, Auto,	
Creditor	Balance Du	e	Monthly Payment
1. ころ スタ (*	\$		\$
2.	\$		\$
3.	\$		\$
4.	\$	1 Carres	\$
Office Use Only: Total Monthly Lia	abilities \$		
By signing below, Applicant(s) request purpose of determining eligibility to reprogram. Applicant acknowledges the acquisition of credit reports and the vesthat they have read and understand the and agrees that Applicant's statement	receive funding pat such eligibil perification of in the guidelines of	assistance through t lity determination ma acome and deposits l the Program, and fu	he First Time Homebuyer y include without limitation, the isted herein. Applicant declares urther, Applicant acknowledges

WestMetro HOME Consortium ADDI Homebuyer Assistance Program File Checklist

ALL DOCUMENTS ARE REQUIRED FOR AN APPLICATION TO BE CONSIDERED COMPLETE.

1.	Income Tax Documentation
	■ Copies of 3 most recent years signed tax documents including W-2 forms
	(1040,1040A,1040 EZ,1098, 1099, All schedules)
	In the event a tax document is missing in part or in whole, or if the
	applicant did not file taxes, a transcript or verification of nonfiling may be
	requested from the IRS (Form 4506-T available upon request or
	IRS.gov).
	If self employed, include year-to-date Profit and Loss statement and last
	four (4) quarterly tax payment documents
	Financial Institution Account Information
	Copies of last six (6) months of checking account information and most recent
sta	tements of saving account(s), IRA, stocks/bonds, annuities, CDs, mutual funds,
nc	oney market accounts, etc.
	Copies of Interest/Dividend income
3.	Evidence of Income
_as	st 30 days of Applicant(s) and Persons within Household who Earn
Inc	come:
	☐ Payroll stubs
	☐ Alimony
	☐ Child Support
	☐ Social Security
	Pension
	☐ Disability (may be required to submit evidence of disability)
	Unemployment
	☐ Government Assistance, including Section 8 Homeownership vouchers
	if applicable
	Other
	Child 18 years or older and a full time student, please provide 30 days
	of income and a letter from the educational institution indicating
	student's full time status
4.	Verifications - see attached
J	Verification of Employment
	Verification of Income from Business (if applicable).
	Verification of Full-time Student (if applicable): Required to be
	completed by the school if a member of the household is over 18 years of
	age and enrolled as having full-time student status.

WestMetro HOME Consortium ADDI Homebuyer Assistance Program File Checklist

	Verification of Zero Income (if applicable): Attached certification of zero income received by member of household. Must be signed by household member and notarized.
Pr	Liabilities ovide copies of two (2) most recent statements even if account carries a ro balance: ☐ Auto Loan/Lease(s) ☐ Credit Card(s) ☐ Personal Loan ☐ Department Store ☐ Other (describe)
6.	 Homebuyer Education □ Copy of Certification of Completion from certified homebuyer course □ Preapproval/Prequalification letter from lending institution
7.	 Signed Documents □ Completed Application □ Housing Quality Inspection Disclosure (available upon request and required upon execution of Offer) □ Lead Paint Affidavit (available upon request and required upon execution of Offer)

VERIFICATION OF: Employment

	Employed since:
WestMetro HOME Consortium	Occupation:
	Salary:
City of Newton Homebuyer Assistance Program	Effective date of last increase:
WestMetro HOME Consortium American Dream Downpayment Initiative	Base pay rate: \$/Hour; or \$/Week; or \$/Month
	Average hours/week at base pay rate: Hours
Newton Housing Rehabilitation Program	No. Week's or No. Weeks worked per year
AUTHORIZATION: Federal Regulations	Overtime pay rate: \$/Hour
require us to verify Employment Income of all members of the household applying for participation in the HOME Program and/or the Newton Homebuyer	Expected weekly average number of hours overtime to be worked during next 12 months
Assistance Program which we operate. We ask your cooperation in supplying this information. This information will be	Any other compensation not included above (specify for commissions, bonuses, tips, etc.):
used only to determine the eligibility	For: \$ per
status and level of benefit of the household.	Total base pay earnings for past 12 mos. \$
Your prompt return of the requested information will be appreciated.	Total overtime earnings for past 12 mos. \$
Office Fax #: (617) 796 - 1142	Does the employee have access to a retirement account? YesNo
	If Yes, what amount can they get access to:
	\$
RELEASE: I hereby authorize the	
release of the requested information.	Signature of or Authorized Representative
(Signature of Applicant)	Title:
Date	Date:
	Telephone:

VERIFICATION OF: Assets on Deposit

City of Newton, MA Newton Housing Rehabilitation Program Newton Homebuyer Assistance Program WestMetro HOME Consortium American Dream Downpayment Initiative	Checking Account No.	Average Monthly Balance for Last 6 Months		
	Savings Accounts	Current Balance	Current Interest Rate	
AUTHORIZATION: Federal Regulations require us to verify Assets on Deposit of all members of the household applying for	Certificate of			
participation in the CDBG/HOME Program which we operate and to reexamine this income periodically. We ask your cooperation in supplying this information. This information will be used only to	Deposit Account No.	Amount	Withdrawal Penalty	Current Interest Rate
determine the eligibility status and level of				
benefit of the household.	IRA, Keogh, Re	tirement Account	s	
Variable and the second of the second of				
Your prompt return of the requested information will be appreciated.		Г		
intermation will be appropriated.	Account No.	Amount	Withdrawal Penalty	Current Interest Rate
Office Fax #: (617) 796 - 1142			•	
Mailing Address:				
City of Newton Planning and Development Department 1000 Commonwealth Avenue Newton, MA 02459	Money Market Funds	Amount (Average 6-month Balance)	Interest Rate	
RELEASE : I hereby authorize the release of the requested information.	Signature of Authorized	f Representativ	e	or
(Signature of Applicant)				
Date:	Title:			
Or a copy of the executed "HOME Program Eligibility Release Form," or Program	Date:			
Application which authorizes the release of the information requested, is attached.	Telephone:			
WARNING: Title 18 Section 1001 of the LLS Code	states that a ner	son is quilty of a f	felony for knowi	ngly and

VARNING: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.

CERTIFICATION OF ZERO INCOME

Household Name:

	-	ing date:		
1. sources:	I hereby certify that I do not individually receive income from any of the following			
	a.	Wages from employment (including commissions, tips, bonuses, fees, etc.);		
	b.	Income from operation of a business;		
	c.	Rental income from real or personal property;		
	d.	Interest or dividends from assets;		
	e.	Social Security payments, annuities, insurance policies, retirement funds, pensions, or death benefits;		
	f.	Unemployment or disability payments;		
	g.	Public assistance payments;		
	h.	Periodic allowances such as alimony, child support, or gifts received from persons not living in my household;		
	i.	Sales from self-employed resources (Avon, Mary Kay, Shaklee, etc.);		
	j.	Any other source not named above.		
2.		rently have no income of any kind and there is no imminent change expected in my acial status or employment status during the next 12 months.		
of my kno act of fra	wledg ud. F	f perjury, I certify that the information presented in this certification is true and accurate to the best e. The undersigned further understand(s) that providing false representations herein constitutes an false, misleading or incomplete information may result in the termination of an opportunity to rdable unit in Newton, MA.		
Signature of	of Appl	icant Printed Name of Applicant Date		

VERIFICATION OF: Full-Time Student Status

	Name of Full-Time Student:	
The City of Newton Homebuyer Assistance Program	Name of institution:	
AUTHORIZATION: Federal Regulations require us to verify Full-Time Student Status		
of all members of the household applying for participation in the HOME Program and/or the Newton Homebuyer Assistance Program	Address of institution:	
which we operate and to re-examine this income periodically. We ask your cooperation in supplying this information. This information	Charle annicable have	
will be used only to determine the eligibility status and level of benefit of the household.	Check applicable box: Referenced individualis or is not a full-time student in good standing a	at this
Your prompt return of the requested information will be appreciated.	institution. Years remaining to complete Degree or Progre	am:
Office Fax #: (617) 796 - 1142		
RELEASE: I hereby authorize the release of the requested information.	Signature of Authorized Representative:	
(Signature of Applicant)	Title:	
Date:	Date:	
	Telephone:	

VERIFICATION OF INCOME FROM BUSINESS

WestMetro HOME Consortium	Based on business transacted from to to		
City of Newton Homebuyer Assistance Program			
WestMetro HOME Consortium American Dream Downpayment Initiative	Gross Income	\$	
AUTHORIZATION: Federal Regulations require us to verify Business Income of all members of the household applying for participation in the HOME Program which we operate and to reexamine this income periodically. We ask your cooperation in supplying this information. This information will be used only to determine the eligibility status and level of benefit of the household. Your prompt return of the requested information will be appreciated. A self-addressed return envelope is enclosed.	2. Expenses (a) Interest on loans (b) Cost of goods/materials (c) Rent (d) Utilities (e) Wages/salaries (f) Employee contributions (g) Federal Withholding Tax (h) State Withholding Tax (i) FICA (j) Sales tax (k) Other: (I) Straight line depreciation Total Expenses 3. Net Income	\$	
RELEASE: I hereby authorize the release of the requested information.	Signature of or Authorized Representative		
(Signature of Applicant)			
Date:	Title:		
Or a copy of the executed "HOME Program Eligibility Release Form," which authorizes the release of the information requested, is attached.	Date:		
WARNING THE 40 O II 4004 (4 14 0 O I			

WARNING: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.